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Attorney for Plaintiff Gregory Bender

Attorneys for Defendant
INTERNATIONAL BUSINESS
MACHINES CORP.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Gregory Bender,

Plaintiff,

v.

International Business Machines Corporation,

Defendant.

Case No. C 09-01249 RMW (PVT)

**STIPULATION AND ORDER
EXTENDING DEADLINE FOR IBM
TO FILE ITS DISCOVERY MOTION
RELATED TO BENDER'S AMENDED
INFRINGEMENT CONTENTIONS**

Plaintiff Gregory Bender ("Plaintiff") and Defendant International Business Machines Corporation ("Defendant"), through their respective counsel, hereby make the following stipulation with regards to Defendant's discovery motion related to Plaintiff's amended infringement contentions.

Due to counsels' limited availability to meet and confer as required by the Court, the parties have agreed, and hereby request that the deadline for Defendant to file its discovery motion pursuant to the Court's Order of December 28, 2009 (D.I. 39) be extended until Wednesday, January 27, 2010. The parties further stipulate that the Court's order granting Defendant temporary relief from its discovery obligations shall remain in place until the dispute is resolved.

Respectfully submitted,

Dated: January 12, 2010

Jones Day

By: /s/ Gregory Lippetz

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Counsel for Defendant International Business
Machines Corporation

In accordance with General Order No. 45, Section X(B), the above signatory attests that
concurrence in the filing of this document has been obtained from the signatory below.

Dated: January 12, 2010

By: /s/ David Kuhn

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Counsel for Plaintiff Gregory Bender

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: 1/14 , 2010

By: 
PATRICIA V. TRUMBULL
United States Magistrate Judge